

REMARKS

I. INTRODUCTION

Favorable reconsideration of this application, in light of the present amendments and the following discussion, is respectfully requested.

II. STATUS OF THE CLAIMS

Claims 1-7 are pending with claim 1 being independent. By this amendment, claim 7 is amended.

III. SUMMARY OF THE OFFICE ACTION

In the Office Action, the drawings are objected to; claim 7 is objected to for a minor informality; claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by *Kinoshita et al.* (U.S. Patent No. 4,727,681); claims 1 and 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Saito et al.* (JP 3-228987); claims 2 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kinoshita et al.*; claims 2-4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Saito et al.* in view of *Kinoshita et al.* (U.S. Patent No. 6,910,730); claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Saito et al.* in view of *Kinoshita '730* and further in view of *Tschirschwitz et al.* (U.S. Patent No. 5,333,411); and claim 7 is rejected 35 U.S.C. § 103(a) as being unpatentable over *Saito et al.* in view of *Tschirschwitz et al.*.

IV. OBJECTION TO DRAWINGS

In response to the objection to the drawings, a corrected Figure 4 is submitted herewith showing the window lifter rail as recited in claim 1. Because the “window lifter rail” was both described in the specification and claimed in the application as originally filed, no new matter is added. Accordingly, Applicant respectfully requests withdrawal of the objection to the drawings.

V. OBJECTION TO CLAIM 7

In response to the objection to claim 7, claim 7 is amended to recite “vehicle window lifters” consistent with the remaining claims. Accordingly, Applicant respectfully requests withdrawal of the objection to claim 7.

VI. WITHDRAWAL OF FINALITY OF OFFICE ACTION

Applicant respectfully requests withdrawal of the finality of the Office Action. Applicant notes that no substantive amendments were made to the claims in Applicant’s December 3, 2008 Amendment. Instead, the claims were amended merely to clarify that at least one stopper was being recited. Because the claims previously recited “stoppers” (plural), that necessarily included at least one stopper. Therefore, Applicant submits that the amendments to the claims did not raise a new issue.

Applicant believes the finality of the Office Action is inappropriate because several new grounds of rejection were in the March 9, 2009 Office Action, including several newly cited references: *Saito et al.* (JP 3-228987); *Kinoshita et al.* (U.S. Patent No. 6,910,730); and *Tschirschwitz et al.* (U.S. Patent No. 5,333,411). Because Applicant’s previous amendment did not raise any new issues, and new rejections and prior art were cited in this Office Action, Applicant’s request withdrawal of the finality of the Office Action.

VII. THE REJECTIONS OF THE CLAIMS

A. Summary of the Arguments

The prior art rejections are respectfully traversed. Regarding Kinoshita ‘681, Kinoshita ‘681 fails to teach or suggest both an “opening for assembling the at least one stopper” and a “means for positioning the at least one stopper at an angle,” as recited in the claimed invention. Instead, Kinoshita ‘681 discloses only one opening 27 that receives the plug 26 (designated in the Office Action as a stopper). Openings 27a and 27b of Kinoshita

‘681 actually formed the same opening 27 and therefore cannot be both an opening for assembling, and a means for positioning.

Regarding Saito, Saito fails to teach or suggest a “support device including at least one stopper,” as recited in the claimed invention. Saito instead discloses a pulley 9 that includes a holder 37, 39 (designated as the stopper in the Office Action as best understood). In other words, it is not the support member 4 of Saito that includes the holder 37, 38. It is instead part of the pulley 9.

Therefore, independent claim 1 is believed not anticipated by either Kinoshita ‘681 or Saito and not rendered obvious by any combination of the cited prior art. Each rejection is addressed in detail below.

B. The Rejection of Claim 1 under 35 U.S.C. § 102 as anticipated by Kinoshita ‘681

The Office Action rejects Claim 1 under 35 U.S.C. § 102(b) as being anticipated by Kinoshita ‘681. For the reasons discussed below, this rejection is respectfully traversed.

Claim 1 recites a pulley device for vehicle window lifters comprising, among other elements, a resolving pulley mounted on a support device, wherein the support device has, among other elements, (1) at least one stopper, (2) an opening for assembling the stopper, and (3) means for positioning the stopper at an angle. Thus, as recited in claim 1, the opening for assembling the stopper is a separate and different element than the means for positioning the stopper at an angle.

In contrast, Kinoshita ‘681 teaches one opening 27 that supports the plug 26. As seen in Figs. 3a and 3b of Kinoshita ‘681 holes 27a and 27b in the support plate 5 form one T-shaped opening 27 that receives the plug 26. Anticipation requires that each and every element of the claimed invention be identically found in the reference. “A claim is anticipated only if each and every element as set forth in the claim is found ... in a single

prior art reference.” MPEP § 2131. Thus, one element of a reference cannot anticipate two elements of the claimed invention. Therefore, contrary to the suggestion in the Office Action, because 27a and 27b are in fact only a single opening 27, the single opening 27 cannot be considered to be both an opening for assembling the stopper and a means for positioning the stopper at an angle.

Moreover, even assuming the opening 27 of Kinoshita ‘681 could be considered a means for positioning, the opening 27 does not position the plug at an angle, as recited in claim 1. That is because the holes 27a and 27b are aligned and continuous with one another, as they must be to form the one opening 27, such that the position of the plug 26 cannot be changed. In other words, the plug 26 of Kinoshita ‘681 can never be positioned at an angle particularly with respect to the pulley.

In view of the foregoing discussion, Applicant submits that Kinoshita ‘681 fails to anticipate claim 1 because all of its elements are not identically found in Kinoshita ‘681. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of independent claim 1 under 35 U.S.C. § 102(b).

C. The Rejection of Claims 1 and 5 under 35 U.S.C. § 102 as anticipated by Saito

Claims 1 and 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Saito. Saito discloses a device with at least one pulley 9 at an upper end of a driving member 17 installed on a door frame. A driving wire 25 extends through the pulley 9. The pulley 9 includes a housing 35 which includes a holder 37, 39, as best seen in Fig. 4. Therefore, the holder 37, 39 is part of the pulley 9 and not the support member 4. Thus the support member 4 of Saito does not “includ[e] at least one stopper” as recited in claim 1.

Also, a holding shaft 10 of Saito supports the pulley 9 (including its housing 35) on the support member 4, as seen in Figs. 2 and 4. Therefore, the support member 4 does not

include an opening for assembling a stopper to it, as recited in claim 1. Instead, the holder 37, 39 (stopper) of Saito is coupled to the support member 4 by the holding shaft 10. Therefore, none of the openings 43, 44, or 45 (Fig. 4) provide for assembling the stopper to the support member 4 as recited in claim 1.

Accordingly, Applicant requests withdrawal of the rejection under 35 U.S.C. § 102(b) over Saito.

D. The Rejections under 35 U.S.C. § 103

Claims 2 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kinoshita ‘681. Claims 2-4 are also rejected under 35 U.S.C. § 103 as unpatentable over Saito in view of Kinoshita ‘730. Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Saito et al.* in view of Kinoshita ‘730 and further in view of *Tschirschwitz et al.*; and claim 7 is rejected 35 U.S.C. § 103(a) as being unpatentable over *Saito et al.* in view of *Tschirschwitz et al.*.

The rejections of claims 2- 4, 6 and 7 are respectfully traversed. Because claims 2-4, 6 and 7 depend from claim 1, those claims are believed to be allowable over both Kinoshita ‘681 and Saito for the same reasons discussed with respect to claim 1 above. Moreover, none of the other prior art of record, including Kinoshita ‘730 and Tschirschwitz cures the deficiencies of Kinoshita ‘681 or Saito.

Accordingly, a prima facie case of obviousness has not been established. Therefore, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 2-4, 6 and 7 under 35 U.S.C. § 103.

VIII. CONCLUSION

Consequently, in view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Please charge any shortage of fees or credit any overpayment thereof to BLANK ROME LLP, Deposit Account No. 23-2185 (0001058-00035). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this report, Applicant hereby petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

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